

CHARTER TOWNSHIP OF DELTA
Public Meeting Room A
Delta Township Administration Building
7710 West Saginaw Highway
Lansing MI 48917

**TOWNSHIP BOARD REGULAR MEETING MINUTES FOR
MONDAY, NOVEMBER 17, 2014**

I. CALL TO ORDER

Supervisor Fletcher called the meeting to order at 6:00 PM.

II. OPENING CEREMONIES – Pledge of Allegiance

III. ROLL CALL

Members Present: Supervisor Ken Fletcher, Treasurer Howard Pizzo, Trustee Jeff Hicks, Trustee Dennis Fedewa, Trustee Douglas Kosinski, Clerk Mary R. Clark, and Trustee Karen Mojica

Members Absent:

Others Present: Acting Manager Jeff Anderson, Lt. Mark Wriggelsworth, Cpt. Jeff Campbell, Sheriff Tom Reich, Fire Chief John Clark, Utilities Department Director Tom Morrissey, Community Development Department Director Mark Graham, Assistant Community Development Department Director Gary Bozek, and Economic Development Coordinator Ed Reed.

IV. PRESENTATIONS AND PROCLAMATIONS –

1. Tom Reich, Eaton County Sheriff

a. Introduction of Delta Patrol Lieutenant Mark Wriggelsworth

Sheriff Reich formally introduced Lt. Mark Wriggelsworth as the lieutenant for the Delta Township substation of the Eaton County Sheriff's office.

2. U of M Dearborn Video & Award

Delta Township was awarded a five-star rating last week for economic development by the ecities program at the University of Michigan, Dearborn. Additionally, the Township was named as a top performing community. A marketing video was created for Delta Township as part of the award.

Mr. Reed spoke about Delta Township receiving the award, and the impact that it will have on this community. The township was only one of three in the state to receive both awards.

V. SET/ADJUST AGENDA

TRUSTEE MOJICA MOVED TO APPROVE THE AGENDA AS AMENDED WITH THE ADDITION OF THE PURPLE SHEET REGARDING THE POSTAL WORKER RESOLUTION, AND A DISCUSSION REGARDING THE BOARD OF WATER & LIGHT APPOINTMENT.

TRUSTEE HICKS SUPPORTED THE MOTION. THE MOTION PASSED 7-0.

VI. PUBLIC HEARINGS –

3. FY2015 Budget

a. Public hearing

Supervisor Fletcher reviewed the highlights of the FY2015 budget.

TRUSTEE HICKS MOVED TO CLOSE THE PUBLIC HEARING.

TRUSTEE KOSINSKI SUPPORTED THE MOTION. THE MOTION PASSED 7-0.

b. Township Resolution

TREASURER PIZZO MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA ADOPT THE BUDGET FOR 2015 BY APPROPRIATING FUNDS AS FOLLOWS:

\$16,852,550 for the General Fund Budget;
\$1,506,221 for the Paramedic Fund Budget;
\$3,900 for the Economic Development Corporation Fund
\$387,875 for the Debt Service Fund
\$138,500 for the Capital Projects Fund
\$4,135,756 for the Sewer Enterprise Fund
\$5,349,023 for the Water Enterprise Fund

ESTIMATED REVENUES TO SUPPORT THE APPROPRIATIONS ABOVE ARE:

\$16,637,100 for the General Fund
\$1,289,301 for the Paramedic Fund
\$1,150 for the Economic Development Corporation Fund
\$388,000 for the Debt Service Fund
\$168,500 for the Capital Projects Fund
\$4,055,500 for the Sewer Fund, and

\$5,535,900 for the Water Fund.

TRUSTEE FEDEWA SUPPORTED THE MOTION. THE MOTION PASSED 7-0.

VII. COMMUNICATIONS – NONE.

VIII. PUBLIC COMMENTS FOR ITEMS NOT ON AGENDA *(maximum two minutes)*

IX. INTRODUCTION OF ORDINANCES

4. Introduction of Proposed Amendments to Delta Township Code of Ordinances Emergency Services System Ordinance

TRUSTEE KOSINSKI MOVED THAT THE DELTA TOWNSHIP BOARD INTRODUCE AMENDMENTS TO THE DELTA TOWNSHIP CODE OF ORDINANCE EMERGENCY SERVICES SYSTEM.

THE TOWNSHIP CLERK IS HEREBY DIRECTED TO ADVERTISE THIS INTRODUCTION IN LOCAL NEWSPAPERS. FINAL ACTION ON THE PROPOSED AMENDMENTS IS SCHEDULED FOR DECEMBER 1, 2014 BY THE TOWNSHIP BOARD.

ARTICLE II. EMERGENCY MEDICAL SERVICES SYSTEM

Sec. 6.5-21. Short title.

This article shall be known as the "Charter Township of Delta Fee for Emergency medical services Ordinance."

Sec. 6.5-22. Purpose.

This article is adopted for the purpose of authorizing the township to charge fees for the provision of an emergency medical services system providing advanced life support, utility related emergency response, response to unauthorized open burning, criminal acts, and services relating to motor vehicle accidents and/or motor vehicle fires, including but not limited to, vehicle extrication, vehicle fire services, accident scene clean-up, accident scene extensive clean-up, and traffic redirection, to more nearly equalize payments of users for operation and maintenance of the emergency medical services system, and to authorize the township, through the fire chief and township manager, subject to approval of the township board, to enter into agreements with third parties for administration of a billing system to collect such fees.

Sec. 6.5-23. Definitions.

Unless the context of this article specifically indicates otherwise, the meanings of terms used in this article shall be as follows:

Advanced life support means patient care that may include any care a paramedic is qualified to provide by paramedic education that meets the educational requirements established by the state department of public health under MCL 333.20912, MSA 14.15(20912) or is authorized to provide by the protocols established by the local medical control authority under MCL 333.20919, MSA 14.15(20919) for a paramedic.

Ambulance means a motor vehicle or rotary aircraft that is primarily used or designated as available to provide transportation and basic life support, limited advanced life support, or advanced life support.

Approval of the township board means a majority vote of the full board of the township.

Emergency medical services personnel means a medical first responder, emergency medical technician, emergency medical technician specialist, paramedic, emergency medical services instructor-coordinator, or firefighter.

Emergency medical services system means a comprehensive and integrated arrangement of the personnel, facilities, equipment, services, communications, and organizations necessary to provide emergency medical services within a particular geographic region.

Fire chief means the individual whose job title is "fire chief" or, in the absence of a classification of "fire chief," the individual who performs the top supervisory and administrative functions of the fire department.

Nonresident means a person who neither resides in nor pays property taxes to the charter township.

Resident means an individual who is personally a property taxpayer or who lives within the geographical boundaries of the township and is subject directly, or indirectly, to the specific tax for the provision of an emergency medical services system. The fire chief and the township manager, subject to the approval of the township board, may formulate guidelines and shall make final residency determinations.

Township Manager means the individual whose title is "township manager" or, in the absence of a "township manager," the individual who is responsible for overseeing the fiscal budget of the township.

Sec. 6.5-24. Charges for service.

On behalf of the township, the fire chief and the township manager, subject to the approval of the township board, are responsible for and have the authority to charge fees for the costs of an emergency medical services system. The fees shall be binding upon all persons receiving such services as well as their successors in interest, assigns, estates and heirs. The motor vehicle owner or operator shall be assessed a full fee for services as applicable. In the case of multiple vehicles, each motor vehicle owner or operator shall be assessed an equal fee, with the total sum of which shall be the full cost of all applicable.

Sec. 6.5-25. User fee.

All users of an emergency medical services system shall be responsible for payment of user fees. For so long as the township has a specific tax for the provision of an emergency medical services system; however, the township shall pay on behalf of all residents all noninsured amounts assessed for their use of emergency medical services, as applicable. The township shall submit the above described payment on behalf of all township residents as follows:

- (1) The township shall require that it be provided monthly emergency medical services system line item bills for emergency medical services system use, identifying:
 - a. Those individuals using the emergency medical services system who are township residents;
 - b. Whether the individual carries insurance coverage for any portion of emergency medical services; and
 - c. Each resident's emergency medical services system charges for which insurance coverage is unavailable, including but not limited to copays, deductibles, and amounts assessed over the insurance carrier's limiting charge.
- (2) The township manager or the manager's designee shall pay on behalf of township residents all uninsured amounts charged for their use of emergency medical services system use within the township, as applicable, from tax funds allocated for the emergency medical services system.
- (3) Such payments shall be made on the residents' behalf on a monthly basis.

Sec. 6.5-26. Fee schedule.

The fees provided under this article shall be based on the attached fee schedule which is subject to review as needed by the Township Board. The fee schedule will encompass personnel, equipment, material and maintenance costs in such a form as to insure proper charges for services rendered.

Sec. 6.5-27. Disposition of funds.

All monies received under the provisions of this article shall be placed in an account set up for the express purpose of funding expenses necessary to furnish an emergency medical services system.

Sec. 6.5-28. Contract with third parties.

To facilitate the collection of fees to pay the costs for emergency services system, the fire chief and township manager, subject to the approval of the township board, may contract with third parties.

Sec. 6.5-29. Settlement or compromise of fees.

To facilitate the collection of fees to pay the costs for emergency services, the fire chief and township manager, subject to the approval of the township board, may authorize the settlement or compromise of fees when such is deemed to be in the best interest of the parties. Additionally, the fire chief and township manager may establish a new, or revise any existing, policy related to the waiver of fees for accident clean-up and traffic redirection for Township residents in those instances where the resident's insurance company has failed or refused to pay all or a portion thereof.

Sec. 6.5-30. Litigation.

The township may enforce the provisions of this article by civil actions in court, for the collection of amounts due or other appropriate relief.

Sec. 6.5-31. Service not to be refused for nonpayment.

Nothing in this article shall authorize any township department or township personnel to refuse or delay any service to any person, firm or corporation that has not paid for service or that owes for previous services or owes any money.

TRUSTEE MOJICA SUPPORTED THE MOTION. THE MOTION PASSED 7-0.

X. PASSAGE OF ORDINANCES –

5. Final Consideration of Proposed Amendments to Delta Township Code of Ordinances Water System

TRUSTEE MOJICA MOVED THAT THE DELTA TOWNSHIP BOARD AMEND THE TEXT OF THE DELTA TOWNSHIP WATER SYSTEM ORDINANCE, BEING SECTIONS 40-58 THROUGH 40-63 OF THE TOWNSHIP'S CODE OF ORDINANCES.

THE TOWNSHIP CLERK IS HEREBY DIRECTED TO PUBLISH A NOTICE OF ADOPTION OF THE AMENDMENTS IN LOCAL NEWSPAPERS AND THE AMENDMENTS SHALL BECOME EFFECTIVE UPON PUBLICATION.

ARTICLE III. WATER SYSTEM

Sec. 40-58. Purposes.

The purposes of this article are as follows:

- (a) To preserve, protect, and maintain the Delta Township water supply system.
- (b) To comply with state and federal water quality standards.
- (c) To complement the design standards for water mains and appurtenances within the Delta Township Municipal Utility Standards.

Sec. 40-59. Definitions.

Curb valve or Curb Stop means the Township owned valve at the end of the water service stub, located at or near the property line/road right-of-way or easement line, used to turn a water service on or off to a specific building.

Distribution System Water Main means that part of the POWSS located within easements or road rights of way and designed to supply one (1) or more water service lines.

Fire service line means a water main connecting a property or premises to the distribution system water main solely for providing fire protection.

POWSS means the publicly owned water supply system consisting of distribution system water mains, pumps, equipment and other appurtenances owned, operated and maintained by Delta Township for the transmission, treatment, storage, distribution and supply of potable water for domestic, commercial, industrial and fire protection uses.

Utilities Department means the Delta Township Utilities Department.

Utilities Director means the Delta Township Utilities Director.

Water meter means a device for measuring and registering the quantity of water that passes through a water service line or fire service line.

Water service line means a pipe from the curb valve to the water meter situated on a property or within a premise.

Water service stub means that part of the POWSS between the distribution system water main and the curb valve, including the curb valve.

Sec. 40-60. Connection to the Public Water Supply System

- (a) Connections to the POWSS shall be as mandated by section 40-93 herein.
- (b) An application for a water connection shall be made to the Delta Township Accounting Department on forms prescribed and furnished by it.
- (c) Water connections shall not be made by the Utilities Department until payment of the required connection fees and main charge, if any.
- (d) Water connections shall be installed in accordance with the Delta Township Municipal Utility Standards.
- (e) Water service lines smaller than two (2) inches shall be installed by the Utilities Department, unless otherwise authorized by the Utilities Director or his/her designee.
 - (1) Water service lines may not be installed absent payment of the required installation costs, capital charges, main charges and inspection fees.
 - (2) Water service lines smaller than two (2) inches shall be guaranteed by the Utilities Department for one (1) year from the date of installation of the water meter. Existing water service lines smaller than two (2) inches shall be guaranteed by the Utilities Department for one (1) year from the effective date of this Ordinance.
- (f) Water service lines two (2) inches and larger shall be installed by the property owner's contractor and be subject to inspection by the Utilities Department following approval of construction plans for the installation and payment for the required plan review, installation and inspection fees and capital charges and main charges, if any.
- (g) The Utilities Department may refuse to authorize larger service lines than reasonably required by the premises served.

- (h) Curb valves shall not be located in driveways or sidewalks and shall be relocated at the property owner's expense if necessary.
- (i) Fire service lines are under the direct authority of the Delta Township Fire Chief or his/her designee. All fire service line installations and/or repairs shall require a permit issued by the Delta Township Building Division. The Utilities Department shall not be responsible for the installation or maintenance of fire service lines.
- (j) No water service lines shall be connected to a fire service line.

Sec. 40-61. Maintenance of a Water Service Line

- (a) After the one year guarantee provided in sec. 40-60 (e) (2) has expired, the maintenance of a water service line smaller than two (2) inches shall be the sole obligation of the property owner. All maintenance of a water service line smaller than two (2) inches shall be performed by the Utilities Department, unless otherwise authorized by the Utilities Director, and billed to the property owner.
- (b) Maintenance of water service lines two (2) inches and larger shall be the sole obligation of the property owner.
- (c) Water service lines shall be maintained in good condition, free of leaks and able to withstand normal water system operations, including but not limited to turning water on and off whether at the main or curb stop or replacement of a water meter and metering appurtenances.

Sec. 40-62. Maintenance of a Water Service Stub

- (a) Maintenance of water service stubs shall be the responsibility of the Utilities Department.

Sec. 40-63. Water meters.

- (a) All premises shall be metered. All meters shall be equipped with automatic remote reading devices.
- (b) Each duplex/condo unit shall have their own water service line and water meter. The water meter must be located in the unit being served.
- (c) No person except a Utilities Department employee shall tamper with a water meter, change the location of, alter, or interfere in any way with a water meter.

- (d) A Utilities Department employee shall, at all reasonable hours, have the right to enter the premises that are served by the POWSS for the purpose of installing, testing, maintaining, removing, replacing or inspecting a water meter(s) and no person shall hinder, obstruct, or interfere with such employee in the lawful discharge of his/her duties of such water meter.
- (e) Any damage that a meter may sustain resulting from carelessness of the owner, agent, or tenant or from neglect of any of them, to properly secure and protect the meter as well as any damage which may be wrought by frost or hot water shall be paid by the property owner to the Township. Nonpayment of the bill may result in discontinuance of water service until all charges have been paid to the Township.
- (f) If any water meter shall fail to register properly, the Utilities Department shall estimate the consumption on the basis of past consumption and bill accordingly.
- (g) A consumer may request that the meter be tested. If the meter is found defective, a new meter will be installed and no charge will be made. If the meter is found to be accurate, the customer will be charged the cost of the meter replacement.

TREASURER PIZZO SUPPORTED THE MOTION.

ROLL CALL:

AYES: TREASURER PIZZO, TRUSTEE KOSINSKI, SUPERVISOR FLETCHER, TRUSTEE HICKS, TRUSTEE MOJICA, TRUSTEE FEDEWA, AND CLERK CLARK.

NAYS: NONE

ABSENT: NONE

THE MOTION PASSED 7-0.

XI. CONSENT AGENDA –

TREASURER PIZZO MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED.

TRUSTEE FEDEWA SUPPORTED THE MOTION.

ROLL CALL:

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AYES: TREASURER PIZZO, TRUSTEE KOSINSKI, SUPERVISOR
 FLETCHER, TRUSTEE HICKS, TRUSTEE MOJICA, TRUSTEE
 FEDEWA, AND CLERK CLARK.

NAYS: NONE

ABSENT: NONE

THE MOTION PASSED 7-0.

6. Bills and Financial Transactions	\$ 2,003,553.94
Bond/Debt Payments	
Investments	
Payroll & Related	711,514.83
Refunds	13,198.51
Tax Distributions	222,646.60
Vendor Claims	1,056,194.00
 Total	 \$ 2,003,553.94

TREASURER PIZZO MOVED TO APPROVE THE BILLS AND FINANCIAL
TRANSACTIONS IN THE AMOUNT OF \$ 2,003,553.94.

TRUSTEE FEDEWA SUPPORTED THE MOTION. THE MOTION PASSED 7-0.

7. Minutes –

October 13, 2014 Committee of the Whole Meeting
October 20, 2014 Regular Township Board Meeting
October 23, 2014 Special Township Board Meeting
November 10, 2014 Committee of the Whole Meeting

TREASURER PIZZO MOVED TO APPROVE THE OCTOBER 13, 2014 COMMITTEE OF
THE WHOLE MEETING MINUTES, OCTOBER 20, 2014 REGULAR TOWNSHIP
BOARD MEETING MINUTES, OCTOBER 23, 2014 SPECIAL TOWNSHIP BOARD
MEETING MINUTES, AND THE NOVEMBER 10, 2014 COMMITTEE OF THE WHOLE
MEETING MINUTES.

TRUSTEE FEDEWA SUPPORTED THE MOTION. THE MOTION PASSED 7-0.

8. 2015 Calendar of Meetings

TREASURER PIZZO MOVED TO APPROVE THE 2015 CALENDAR OF MEETINGS.

2015 CALENDAR OF MEETINGS

The Township Board's regular meetings will be held at 6 p.m. in Public Meeting Room A as follows:

January 5 and 20 (Tu.)	July 6 and 20
February 2 and 16	August 3 and 17
March 2 and 16	September 8 (Tu.) and 21
*April 20	October 5 and 19
May 4 and 18	November 2 & 16
June 1 and 15	December 7 and 21

*No Board meeting will be scheduled on first Monday in April (April 6).

The Township Board's Committee of the Whole meetings will be held at 6 p.m. in Public Meeting Room C as follows:

January 12	July 13
February 9	August 10
March 9	September 14
April 13	October 12
May 11	November 9
June 8	December 14

The Planning Commission will meet on the second and fourth Mondays of each month at 7 p.m. in Public Meeting Room A:

January 12 and 26	July 13 and 27
February 9 and 23	August 10 and 24
March 9 and 23	September 14 and 28
April 13 and 27	October 12 and 26
May 11 and 26(Tu.)	November 9 and 23
June 8 and 22	December 14

*No Planning Commission meeting will be scheduled on the fourth Monday in December (December 28)

Zoning Board of Appeals and Sign Board of Appeals will meet on the second Tuesday of each month at 6:00 p.m. in Public Meeting Room A as follows:

January 13	July 14
February 10	August 11
March 10	September 8
April 14	October 13
May 12	November 10

June 9

December 8

*Zoning Board of Appeals will meet in Public Meeting Room B for their meeting scheduled on Tuesday, September 8th.

The **Parks, Recreation & Cemeteries Commission** will meet at 6:00 p.m. in Conference Room B on the first Thursday of each month on following dates: January 8, February 5, March 5, April 2, May 7, June 4, July 9, August 6, September 3, October 1, November 5 and December 3.

*The Parks, Recreation & Cemeteries Commission July meeting will be held on the second Thursday (July 9) due to the July 4th Holiday.

The Township Board of Review will meet the second Monday in March at 9:00 a.m., the Tuesday following the 3rd Monday in July, and the Tuesday following the 2nd Monday in December.

TRUSTEE FEDEWA SUPPORTED THE MOTION. THE MOTION PASSED 7-0.

9. 2015 Employee Health Insurance Plan Recommendation

TREASURER PIZZO MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA RENEW THE PHYSICIANS HEALTH PLAN PPO PLAN #DWH01500 FOR THE 2015 PLAN YEAR BEGINNING JANUARY 1, 2015; AND

I FURTHER MOVE THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA APPROVE A ONE-TIME DEPOSIT INTO AN ACTIVE CHASE BANK HSA ACCOUNT FOR FULL-TIME EMPLOYEES, AND NON-MEDICARE ELIGIBLE RETIREES WHO ENROLL IN THE PLAN EFFECTIVE JANUARY 1, 2015 OF \$750 FOR A ONE-PERSON CONTRACT AND \$1,500 FOR A TWO OR MORE PERSON CONTRACT EFFECTIVE THE FIRST PAY PERIOD IN JANUARY, 2015.

TRUSTEE FEDEWA SUPPORTED THE MOTION. THE MOTION PASSED 7-0.

10. Approval of Delta Township District Library Bylaws

TREASURER PIZZO MOVED THAT THE TOWNSHIP BOARD APPROVE THE AMENDED DELTA TOWNSHIP DISTRICT LIBRARY BYLAWS.

BYLAWS OF DELTA TOWNSHIP DISTRICT LIBRARY BOARD

Article 1

**Inspection of Records
Reports to Board Members**

- 1.1 Books. The Delta Township District Library Board of Trustees (“the Board”) shall keep books and records of account and minutes of the proceedings of the Board and executive committee, if any. The Board shall keep the books and records at the library located at 5130 Davenport Drive, Lansing, Michigan.
- 1.2 Examination of Records. The Board shall comply in all respects with the Michigan Freedom of Information Act, 1976 PA 442, and the Enhanced Access to Information Act, 1996 PA 462, as amended. Delta Township (“Delta”) or Waverly Community Schools (“Waverly”) by attorney or other agent, shall have the right during the usual hours of business to inspect for any proper purpose the Board’s books and records. A proper purpose shall mean a purpose reasonably related to such entity’s interest as an owner.

**Article 2
Board of Trustees**

- 2.1 Number and Terms of Office. The business, property and affairs of the Delta Township District Library shall be managed by or under the direction of the Board. The Board shall consist of six (6) members, with four (4) appointed by Delta and two (2) appointed by Waverly. Members of the Board shall hold office until their term expires and their successor is duly appointed and qualified, or until their resignation or removal.
- 2.2 Removal or Resignation. Any Trustee may resign at any time by giving written notice to the Chairperson or Secretary of the Board. Unless a later date is specified in such written notice, a resignation shall take effect upon delivery to the designated officer. It shall not be necessary for a resignation to be accepted before it becomes effective as specified by Section 3, of the Delta Township Library Agreement.
- 2.3 Vacancies. A vacancy occurring in the Board shall be filled as set forth in the Delta Township District Library Agreement.
- 2.4 Open Meetings Act. The Board shall comply in all respects with the Open Meetings Act, 1976 PA 267, as amended.
- 2.5 Regular Meetings. Regular Meetings of the Board shall be held monthly or otherwise at any other such time and place as the Board shall from time to time determine by resolution of the Board.

- 2.6 Special Meetings. Special Meetings of the Board may be called by the Chairperson of the Board or a majority of the trustees in office at the time of the call, whenever in their judgment it may be necessary, by giving reasonable notice, either personally, by mail, or by email of the time and place of such meeting.
- 2.7 Quorum. A majority of the members currently serving on the Board shall constitute a quorum for the transaction of business. If there shall be less than a quorum present at any meeting of the District Library Board, a majority of the trustees present may temporarily postpone the meeting without notice, other than announcement at the meeting, until a quorum shall be present. The acts of a majority of the members present at any meeting at which a quorum is present shall be the acts of the Board.
- 2.8 Tie Vote. In the event of a tie vote, the motion fails.
- 2.9 Appointment of Committees. The Board may designate one (1) or more committees, each committee to consist of one (1) or more of the trustees of the Board. The Board may designate one (1) or more trustees as alternate members of a committee, who may replace an absent or disqualified member at a meeting of the committee. In the absence or disqualification of a member of a committee, the members present at a meeting and not disqualified from voting, whether or not they constitute a quorum, may unanimously appoint another member of the Board to act at the meeting in place of such an absent or disqualified member. A committee, and each member, shall serve at the pleasure of the Board.

Article 3 Officers

- 3.1 Organizational Meeting. The Board, as constituted, shall convene for the purpose of electing officers and transacting any other business properly brought before it.
- 3.2 Election of Officers. At the regular Board meeting in July of each fiscal year, the Board shall elect officers by a majority vote to serve for a term of one year.
- 3.3 Chairperson of the Board. The Chairperson of the Board shall be elected by and from the members of the Board. The Chairperson of the Board, if such office is filled, shall preside at all meetings of the Board at which the chairperson is present. The chairperson shall see that all orders and resolutions of the Board are carried into effect.

- 3.4 Vice Chairperson of the Board. There may be a Vice Chairperson of the Board, elected by and from the membership of the Board. The Vice Chairperson shall perform such duties as assigned by the Chairperson. In the absence, disability or death of the Chairperson, pending return of the Chairperson or the election of a successor, the Vice Chairperson shall perform all the duties and exercise all of the power and authority of the Chairperson of the Board.
- 3.5 Treasurer. The Treasurer of the Board shall be elected by and from the members of the Board. The Treasurer shall perform all duties incident to the office of Treasurer. In the absence, disability or death of the Chairperson and Vice Chairperson, pending return of either or the election of a successor, the Treasurer shall perform all the duties and exercise all of the power and authority of the Chairperson of the Board.
- 3.6 Secretary. The Secretary of the Board shall be elected by and from the members of the Board. The Secretary shall preserve in the books of the District Library Board, true minutes of the proceedings of all such meetings.

Article 4 Indemnification

- 4.1 Actions. Subject to all of the provisions of these Bylaws, the Board shall indemnify any person who was or is a party to or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the Board to procure a judgment in its favor by reason of the fact that the person is or was a trustee or officer of the Board, against expenses (including attorney fees) and amount paid in settlement actually and reasonably incurred by the person in connection with the action or suit, if the person acted in good faith and in a manner the person reasonably believed to be in or not opposed to the best interests of the Board or its shareholders and the person submits a written claim for indemnification as provided for in these bylaws and the articles of incorporation. However, indemnification shall not be made for any claim, issue or matter in which the person has been found liable to the Board unless and only to the extent that the court in which the action or suit was brought has determined on application that, despite the adjudication of liability but in view of all relevant circumstances of the case, the person is fairly and reasonably entitled to indemnification for the reasonable expense incurred.
- 4.2 Contract Right; Limitation on Indemnity. The right to indemnification conferred in Article 4 shall be a contract right and shall apply to services of a trustee or officer as an employee or agent of the Board as well as in the person's capacity as a trustee or officer. Except as provided in Section 4.3 of these bylaws, the Board shall have no obligations under Article 4 to

indemnify any person in connection with any proceeding, or part of any proceeding, initiated by the person without authorization by the Board of Trustees.

- 4.3 Non-Exclusivity of Rights. The indemnification of advancement of expenses provided under this article is not exclusive of other rights to which a person seeking indemnification or advancement of expenses may be entitled under the Board's articles of incorporation, bylaws or a contractual arrangement with the Board. However, the total amount of expenses advanced or indemnified from all sources combined shall not exceed the amount of actual expenses incurred by the person seeking indemnification or advancement of expenses.
- 4.4 Indemnification of Employees and Agents of the Board. The Board may, to the extent authorized from time to time by the Board of Trustees grant rights to indemnification and to the advancement of expenses to any employee or agent of the Board to the fullest extent of the provisions of Article 4 with respect to the indemnification and advancement of expenses of trustees and officers of the Board.
- 4.5 Former Trustees and Officers. The indemnification provided in Article 4 continues for a person who has ceased to be a trustee or officer and shall inure to the benefit of the heirs, executors, and administrators of the person.
- 4.6 Insurance. The Board, through Delta Charter Township, may purchase and maintain error and omission insurance on behalf of any person who is or was a trustee, officer, employee, or agent of the Board, or is or was serving at the request of the Board as a director, officer, partner, trustee, employee or agent of another Board, partnership, joint venture, trust, or other enterprise, against any liability asserted against the person and incurred by such person in any such capacity or arising out of such person's status as such, whether or not the Board would have power to indemnify the person against the liability under these bylaws.
- 4.7 Changes in Michigan Law. If there are any changes in the Michigan statutory provisions applicable to the Board relating to the subject matter of Article 4, then the indemnification to which any person shall be entitled under this article shall be determined by the changed provisions, but only to the extent that the change permits the Board to provide broader indemnification rights than the provisions permitted the Board to provide before the change. Subject to Section 4.14, the Board of Trustees is authorized to amend these bylaws to conform to any such changed statutory provisions.

- 4.8 Amendment or Repeal of Article 4. No amendment or repeal of Article 4 shall apply to or have any effect on any trustee or officer of the Board for or with respect to any acts or omissions of the trustee or officer occurring before the amendment or repeal.

**Article 5
Fiscal Year**

- 5.1 Fiscal Year. The fiscal year of the Board shall be on a calendar year basis.

**Article 6
Parliamentary Procedure**

- 6.1 Rules of Order. Robert's Rules of Order, Revised, shall govern the proceedings of this Board.

**Article 7
Amendments**

- 7.1 Amendments. The Board may amend these bylaws. Any amendment to the bylaws before it becomes effective must be approved by Delta Charter Township. Upon approval of Delta Charter Township the amendment shall become effective. If it is not approved by Delta Charter Township the amendment shall not become effective and the original provision to be amended shall remain in effect.

**Article 8
Conflict with Delta-Waverly
District Library Agreement**

- 8.1 In the event of any conflict in the provisions of the Bylaws and the Delta Township District Library Agreement, the terms and provisions of the Delta Township Library Agreement shall be controlling.

These Bylaws were adopted on the 7th day of July, 1998, pursuant to resolutions approved by Delta Charter Township and Waverly Community Schools Board of Education.

These Bylaws were amended on the 11th day of November, 2013 by resolution of the Board. The amendments were approved by Delta Charter Township on the ____ day of _____, ____.

TRUSTEE FEDEWA SUPPORTED THE MOTION. THE MOTION PASSED 7-0.

XII. ITEMS REMOVED FROM CONSENT AGENDA FOR DISCUSSION – NONE.

XIII. ITEMS ADDED TO AGENDA UNDER SECTION V. SET/ADJUST AGENDA

Board of Water and Light Appointment Discussion

Trustee Fedewa spoke about the selection process and important qualifications of the Delta Township representative for the Board of Water and Light Board.

Trustee Kosinski mentioned that there should be a discussion regarding the relationship of the Delta Township appointee to the Board of Water and Light.

Clerk Clark recommended that the discussion regarding the Township appointee be placed on a future Committee of the Whole agenda as the appointment is not scheduled to occur for several months.

XIV. ITEMS OF BUSINESS –

11. Board Appointments

Supervisor Fletcher recommends the following board appointments:

Planning Commission

Denise Sloan is recommended for appointment to a partial term expiring March 31, 2017. She replaces Robert Lathrop who has resigned.

Non-Discrimination Complaint Review Committee

Kathy Talbot is recommended for appointment to a partial term expiring January 31, 2017. She replaces Barbara Stump who has resigned.

TRUSTEE HICKS MOVED THAT THE AFOREMENTIONED PERSONS MENTIONED IN THIS MEMO, BE APPOINTED TO THE TOWNSHIP BOARDS/COMMISSIONS; AND

THAT THE CLERK IS HEREBY DIRECTED TO SEND NOTIFICATION TO ALL OF THOSE SELECTED INFORMING THEM OF THEIR APPOINTMENT.

TRUSTEE KOSINSKI SUPPORTED THE MOTION. THE MOTION PASSED 7-0.

12. Addition of Fifth Third Bank as an Authorized Financial Institution

TREASURER PIZZO MOVED THAT THE DELTA TOWNSHIP BOARD APPROVE FIFTH THIRD BANK AS AN AUTHORIZED FINANCIAL INSTITUTION TO PROVIDE THE TOWNSHIP WITH INVESTMENT AND DEPOSITORY SERVICES.

CLERK CLARK SUPPORTED THE MOTION. THE MOTION PASSED 7-0.

13. Final Approval of Pointe West Nos. 3 & 4 Preliminary Plat

CLERK CLARK MOVED THAT THE DELTA TOWNSHIP BOARD GRANT FINAL APPROVAL OF THE PRELIMINARY PLAT OF THE POINTE WEST NOS. 3 & 4 SUBDIVISION AS ILLUSTRATED ON DRAWINGS PREPARED BY KEBS, INC., AND DATED OCTOBER 27, 2014 SUBJECT TO THE FOLLOWING STIPULATIONS.

1. Revisions to the construction and engineering plans shall be made as per the requirements of the Township Engineer, which shall include the extension of the sanitary sewer main to the southern boundary of the plat such that it can be extended on the undeveloped Campbell property in the future.
2. The developer shall execute a Utility Agreement with the Township for the installation of the public water and sanitary sewer facilities.
3. Receipt of final approval of the storm drainage system from the Eaton County Drain Commissioner's Office.
4. Receipt of final approval of the layout, engineering, and construction of the public streets within the subdivision from the Eaton County Road Commission.
5. The Pointe West Common Open Space Agreement shall be amended to reflect the changes in configuration of Corkery Commons and Denmark Commons.
6. The developer shall execute a "Waiver of Notice and Waiver of Hearings for the Establishment of a Special Assessment District" for streetlights.
7. The Township Board shall grant a 30-foot wide grading easement to the developer for storm drainage purposes along that portion of the Mount Hope Park Property that abuts the Pointe West and Ashford Manor Subdivision. The Community Development Department shall prepare the easement document for the signatures of the Township Supervisor and Clerk.
8. The approval shall be contingent upon a successful implementation agreement between developer and the drain office.

TRUSTEE MOJICA SUPPORTED THE MOTION.

Clerk Clark asked Mr. Arnold about the 30 foot wide grading easement with the moving of the retention pond.

Treasurer Pizzo asked Mr. Arnold if this plan was reviewed by the Drain Commissioner.

Mr. Arnold indicated that the plan was reviewed by the Drain Commissioner.

Gloria Kovnot, 10803 Canterbury Lane, asked who is responsible for the detention pond.

Mr. Bozek indicated that the drain office has a maintenance agreement with the neighborhood association.

Mike McKinley, 7487 Roxborough Lane, asked about the maintenance of the existing ponds, and who is responsible.

Mr. Bozek indicated that it would be whoever was responsible according to the agreement between the developer and the drain commissioner in office at that time.

THE MOTION PASSED 7-0.

14. Acceptance of Signature Land Development Corporation Utility Agreement for Pointe West Nos. 3 & 4

TRUSTEE FEDEWA MOVED THAT THE TOWNSHIP BOARD APPROVE THE MUNICIPAL UTILITY AGREEMENT SUBMITTED BY SIGNATURE LAND DEVELOPMENT CORPORATION FOR THE EXTENSION OF THE PUBLIC WATER AND SANITARY SEWER MAINS TO SERVE THE POINTE WEST NOS. 3 & 4 SUBDIVISIONS IN SECTION 20 OF DELTA TOWNSHIP. I FURTHER MOVE THAT THE TOWNSHIP SUPERVISOR AND CLERK BE AUTHORIZED AND DIRECTED TO SIGN THE AGREEMENT ON BEHALF OF THE TOWNSHIP.

TRUSTEE KOSINSKI SUPPORTED THE MOTION. THE MOTION PASSED 7-0.

XV. MANAGER'S REPORT – Jeff Anderson, Acting Township Manager

The art piece is scheduled to be installed on November 25, 2014.

Over the next ten days, Mr. Anderson will be meeting with each department to review the budget for FY2015, and to discuss the impact on each department.

Grand Ledge has a new City Manager, Adam Smith. Brian Thelen has already met

with him to discuss the assessing contract and other possible new partnerships.

Snow removal team has met and discussed the plan for enforcement this year.

Employee enrichment day will be held on February 16 at St. Gerard Church.

Parks and Recreation Department will be holding a mini-retreat on Tuesday, November 18, 2014, dealing with technology issues, and becoming more efficient.

XVI. COMMITTEE OF THE WHOLE

15. Postal Workers Resolution

Supervisor Fletcher asks that the resolution to keep the Lansing mail processing center open have the support of Delta Township.

Trustee Hicks stated that more research should be completed regarding this resolution before being adopted by the Township Board.

Clerk Clark stated that this issue has been a major focus of the Capitol Caucus. She also stated that this resolution will go to the US Senate, the Representatives, and the Postmaster General.

The Resolution will be discussed at the next Township Board meeting on Monday, December 1, 2014.

XVII. PUBLIC COMMENTS – None

XVIII. ADJOURNMENT –

Supervisor Fletcher adjourned the meeting at 6:55 PM.

CHARTER TOWNSHIP OF DELTA

KENNETH FLETCHER, SUPERVISOR

MARY R. CLARK, CLERK

/hs

K:\Clerk\Board Materials\Board Meetings\Minutes\2014\November 17, 2014 Regular Board Meeting
Minutes Approved: